

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RUTH MOSHOLDER,

Plaintiff,

v.

Case No. 09-11829

PATRICIA BARNHARDT, et al.,

Defendants.

**ORDER GRANTING IN PART, DENYING IN PART
DEFENDANTS' MOTION IN LIMINE**

Before the court is Defendants Patricia Barnhardt and Dewayne Burton's motion in limine, which has been fully briefed. The court conducted a telephonic hearing on the motion on January 29, 2013. For the reasons stated more fully on the record,

IT IS ORDERED that Defendants' motion in limine [Dkt. # 46] is GRANTED IN PART AND DENIED IN PART as follows:

(A) The challenged rap lyrics may be used as exemplars, not as substantive exhibits, subject to a possible restriction as to quantity and a possible limiting instruction to the jury in the absence of a clear stipulation by Plaintiff that the lyrics are not purported to be precisely what Plaintiff claims to have heard earlier;

(B) Plaintiff's medical records are, or will be, properly authenticated as business records under Federal Rule of Evidence 803(6), but physician statements made within the records, if produced for proving the truth of the matter asserted, are excluded as hearsay unless an appropriate hearsay exception (or other foundation) is presented;

(C) Plaintiff's February 13, 2007 performance evaluation--but no earlier evaluation--is admissible; and

(D) Plaintiff's testimony that her reassignment was more dangerous than the school officer position is relevant and properly admissible if presented as her personal observation(s), and is not subject to exclusion under a prejudice-vs-probative-value analysis of Federal Rule of Evidence 403.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: January 29, 2013

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, January 29, 2013, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522

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